

FAP No. I-95-1(41)2

ROW Ca 259

RECEIVED

Approved as to Form:

SEP 30 1974

Recommending Approval:

DEPT. HIGHWAYS & TRAFFIC
RIGHT-OF-WAY
ENGINEERING BRANCH

Paul P. Robbins
Assistant Corporation Counsel, D.C.

Director, Department of Highways
and Traffic, District of Columbia

Approved as proper charge against
Appropriation:

[Signature]
Accounting Officer, D. C.
Office of Budget and Financial
Management

D. C. FORMAL AGREEMENT NO.

HT 7308

THIS AGREEMENT, made and entered into this Eight day
of November, 1973, by and between the DISTRICT OF COLUMBIA,
a municipal corporation, hereafter called "District", and the GENERAL SERVICES
ADMINISTRATION, acting for and on behalf of the United States of America,
hereafter called the "GSA".

WITNESSETH THAT:

WHEREAS, the GSA plans to construct a landscaped pedestrian plaza
over a portion of Interstate 95 (Center Leg Inner Loop Freeway), in
connection with construction of the United States Tax Court Building, span-
ning between the Building on the west side of the freeway and Second Street,
N. W. on the east side of the freeway, and

WHEREAS, the space within the Interstate right-of-way to be occupied
begins at a point on the easterly right-of-way line of Interstate 95, 102 ft.
due south of the south parapet face of the E Street Bridge that crosses over the
interstate highway, as shown on Exhibits A, B and C dated 6/14/73 and
attached hereto, thence 202 ft. due south along said interstate right-of-way line
U.S. Tax Court Plaza

to a point, thence due west 17.69 ft. to the back face of the most easterly retaining wall of the freeway and thence continuing 159.30 ft. due west along the south parapet face of the elevated plaza structure to a point on the back face of the most westerly retaining wall and interstate right-of-way line thereon, thence due north 202 ft. along said face of wall and right-of-way line to a point of intersection with the parapet face on the northern side of the Plaza structure, thence due east 159.30 ft. along said parapet face to a point intersecting the back face of the most easterly retaining wall of the freeway and thence continuing due east 17.69 ft. to the point of beginning, containing 35,752 sq. ft.; with 32,179 sq. ft. of the gross area to be occupied by the elevated deck of the plaza having a 15 ft. minimum vertical clearance between the roadway pavement and the underside or ceiling of the elevated structure, having 14 ft. 6 inches minimum vertical clearance between the pavement and the ceiling lighting fixtures, having a deck parapet height on the north and south sides of approximately 11 ft. and being supported on the existing freeway retaining walls and a new intermediate pier to be centered along the center median of the freeway, having a 14 ft. wide footing beneath the pavement with a 5 ft. 6 inches wide pedestal thereon projecting to a height of 2 ft. 8 inches above the paved median with 20 steel columns, each 14 inches wide, spaced approximately on 10 ft. centers to support the deck, and

WHEREAS, funds for construction of the Court Building and Plaza are authorized by Public Law 92-49, approved July 9, 1971 and Public Law 92-607, approved October 31, 1972, and

WHEREAS, the National Capital Planning Commission has approved the project for spanning of the freeway, and
U. S. Tax Court Plaza

WHEREAS, it is deemed necessary to set forth certain conditions pertaining to the plaza construction and use of air space.

NOW, THEREOFRE, the parties hereto do mutually covenant and agree as follows:

ARTICLE I. Unless otherwise indicated, GSA shall:

Sec. 1 (Air Pollution) Promptly undertake at its sole expense and upon its own initiative or upon notice from the District of Columbia, whatever measures are necessary to meet current federal air pollution standards, whether it be below, on or about the plaza, arising as a result of inadequate ventilation appurtenant to the plaza.

Sec. 2 (Design of Pool) Design the proposed reflecting pool employing materials that guarantee watertight integrity for the reasonable life of the structure.

Sec. 3 (Safety Fencing) Incorporate in the design of the plaza a six foot high safety fence on each side of the plaza for the full width of the Freeway to prevent objects from being dropped on traffic.

Sec. 4 (Plans and Specification - Review and Concurrence) Submit its plans and specifications for construction of the plaza project for review and concurrence by the Department of Highways and Traffic, D. C. and the Federal Highway Administration prior to commencement of construction.

Sec. 5 (Plan Changes after Approvals) Obtain written approval of the Department of Highways & Traffic, subject to concurrence of the Federal Highway Administration, for any revisions in the design after its approval of any feature relating directly to the covering facility or within the boundaries of public space in which construction will be performed.

U. S. Tax Court Plaza

Sec. 6 (Maintenance of Traffic) Require its contractor to conduct his operations in compliance with maintenance of traffic requirements heretofore specified by the Department of Highways & Traffic, D.C., since this segment of Interstate highway will be open to traffic, either before or subsequent to commencement of plaza construction.

Sec. 7 (Public Space Permit) Require its contractor to apply for and obtain a Public Space Permit from the District before commencement of any construction. The issuance of the permit will not be unreasonably withheld. The permit shall not require any data substantially different than required elsewhere in this Agreement.

Sec. 8 (Restoration of Public Space) Assume full responsibility for restoring public space, including Interstate right-of-way, involved in its contractors work operations by restoring items damaged by the construction activities. GSA authorizes the District to make the necessary repairs on a reimbursable cost basis in the event that GSA does not arrange otherwise for the restoration.

Sec. 9 (Salvage) For all railing and cap stone on the parapet of the freeway walls that must be removed, have its contractor carefully dismantle it and promptly deliver all salvaged components to the Department's Bridge Division Maintenance Yard(s) as directed by the Bridge Maintenance Engineer. This work shall be among the first items of work by the contractor.

Sec. 10 (Inspection and Control of Work) Provide adequate control and inspection for all work to be performed by the contractor, subject nevertheless, to surveillance by Department of Highways & Traffic inspectors of those portions of work within the boundaries of public space. It shall

U. S. Tax Court Plaza

also require its contractor to submit to the District approval, proposed construction procedures and operations. These shall include but not necessarily be limited to the following items:

- (a) Excavation and sheeting and shoring for the center median pier.
- (b) Plans for maintenance of traffic during construction as required by Section 6 of this Article I.
- (c) Erection procedures for the structural steel framing.
- (d) Forming plans for the Plaza deck.
- (e) Construction protection shielding plan for the underside of the Plaza
- (f) Temporary lighting of the freeway immediately below the Plaza pending installation and energizing of the permanent lighting system.
- (g) Staging and scaffolding plans pertaining to all features that are to be erected from the freeway itself.

Sec. 11 (Change in Use) Make no change in the use or occupancy of the space without prior approval by the Department of Highways & Traffic and subject to concurrence by the Federal Highway Administration.

Sec. 12 (Maintenance of Project) Be responsible for the proper maintenance with regard to appearance, safety and operation as to cause no unreasonable interference with traffic on the freeway. This shall specifically include all structural elements of the plaza, the electrical illumination systems, the ventilation systems and the deck drainage system. No drippings, droppings or discharges of any kind shall be permitted to fall upon the freeway and GSA agrees to immediately correct any leakage problems that may develop from any

U. S. Tax Court Plaza

source whatsoever including leakage from the proposed reflecting pool incorporated in the plaza. GSA specifically agrees that if it is unable to immediately correct any leakage or drainage problems that it shall, upon the request of the District, immediately drain the reflecting pool and said pool shall thereafter be kept dry until such time as the District is satisfied that the drainage or leakage problem has been cured.

Said maintenance shall also include payment for all electrical energy required to operate those systems requiring such source of energy. GSA will, however, establish a reimbursable work order system for the Department of Highways & Traffic to perform (a) re-lamping of the freeway lighting system and (b) cleaning of the plaza ceiling, plaza median pier, and freeway walls all in accordance with the Department's maintenance practices.

Sec. 13 (Non-discrimination) Does hereby covenant and agree that (1) no person, on the ground of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in connection with the construction of any improvements on said lands and the furnishing of services thereon, no discrimination shall be practiced in the selection of employees and contractors, by contractors in the selection and retention of first-tier subcontractors, and by first-tier subcontractors in the selection and retention of second-tier subcontractors.

In the event of breach of any of these non-discrimination covenants, the District shall have the right to revoke this Agreement.

U. S. Tax Court Plaza

ARTICLE II. Unless Otherwise indicated the District Will:

Sec. 1 (Plans and Permit Review) Endeavor to act promptly on all applications by GSA or its contractor by issuing written notification of action within 21 calendar days after submission.

Sec. 2 (Coordination of Submissions) Endeavor to coordinate submissions between all offices of the District so that GSA or its contractor does not require approval more than once for the same work item.

ARTICLE III. Revocation Provisions:

Provisions of the Federal Highway Administration's Policy and Procedure Memorandum 80-10 of November 15, 1971 shall apply in-so-far as not being inconsistent with Federal law pertaining to Federal facilities, including any law relating specifically to the Tax Court Building.

This Agreement shall inure to and be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

The Commissioner of the District of Columbia, appointed under Reorganization Plan No. 3 of 1967, having first considered and approved the foregoing Agreement, has directed the execution thereof in the name of said District of Columbia, by his Executive Secretary, who has hereto set his hand and affixed the seal of the District of Columbia hereto

U. S. Tax Court Plaza

under authority of the Act of Congress entitled "An Act to Relieve the
Commissioner of the District of Columbia of Certain Ministerial Duties"
approved February 11, 1932.

(Seal of the District of Columbia)

DISTRICT OF COLUMBIA
(a municipal corporation)

ATTEST:

By

Executive Secretary,
District of Columbia

ATTEST:

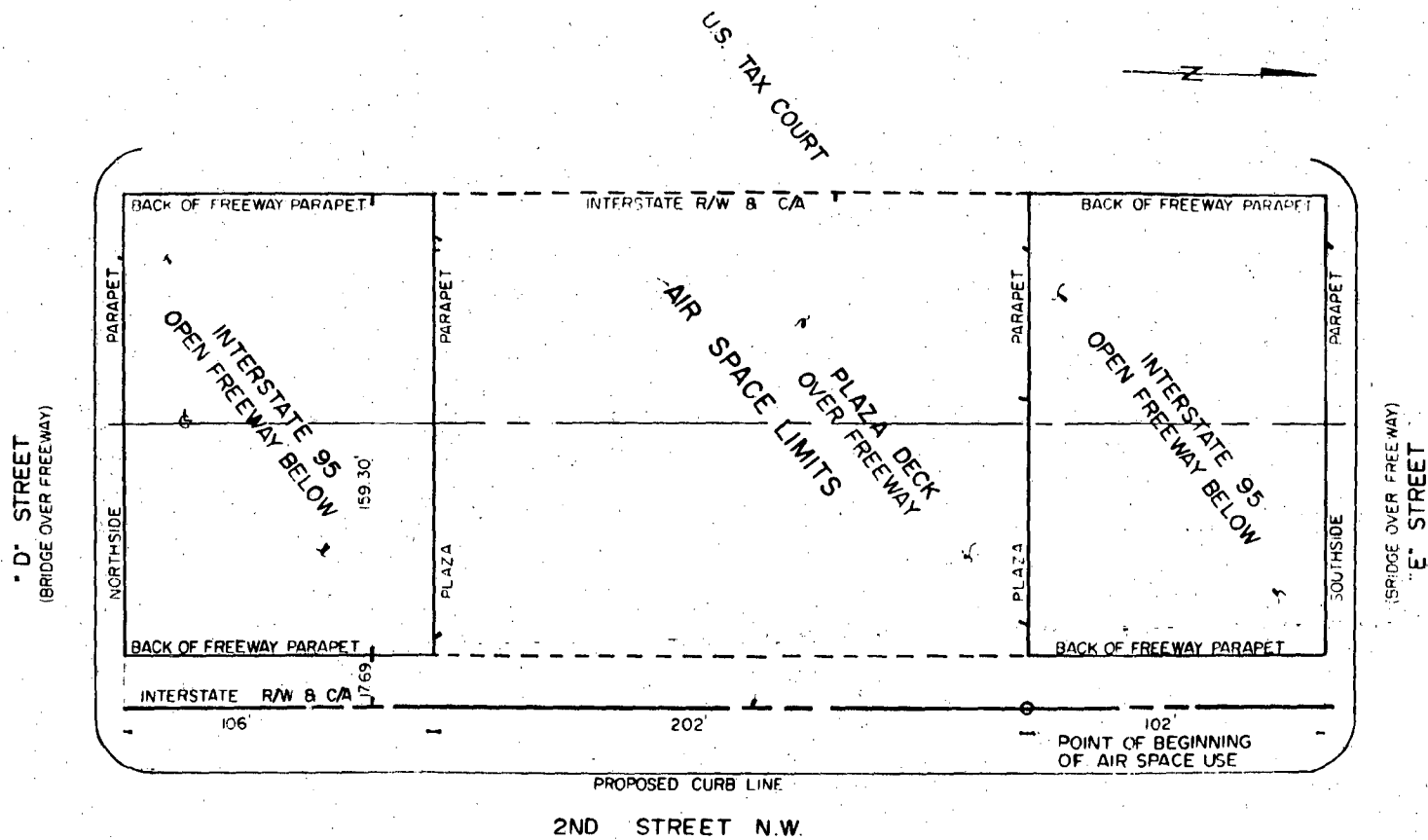
GENERAL SERVICES ADMINISTRATION

By

Commissioner,
Public Buildings Service

U. S. Tax Court Plaza

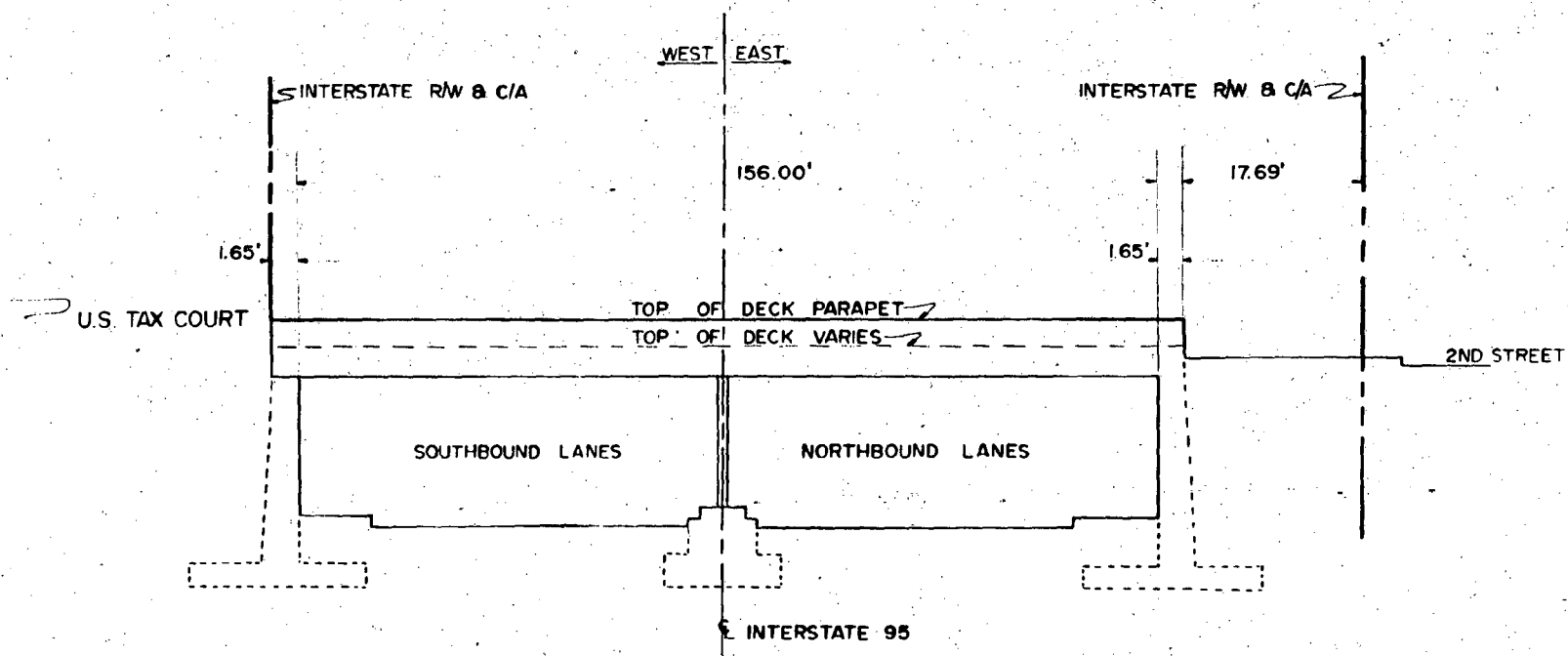
HT 7308



SITE PLAN OF PLAZA DECK
OVER FREEWAY

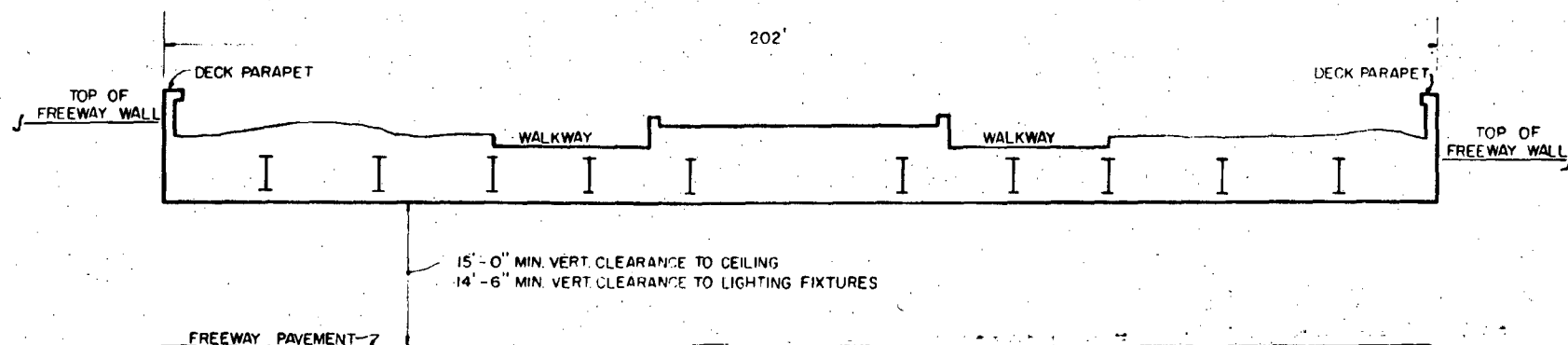
EXHIBIT "A"

(U.S. TAX COURT PLAZA)
SCALE: 1" = 40'



SECTION THRU PLAZA @ INTERSTATE 95
(NO SCALE)

EXHIBIT "B"
(U.S. TAX COURT PLAZA)



CROSS SECTION THRU PLAZA DECK
(NO SCALE)

EXHIBIT "C"
(U.S. TAX COURT PLAZA)

PREPARED BY: RIGHT-OF-WAY ENGINEERING BRANCH
JUNE 14, 1973

Washington, D. C.
Monday, Feb. 26, 1973

Air Indoors Can Be as Bad As the Street's

United Press International

The Environmental Protection Agency reports that a new study indicates the level of carbon monoxide and other automobile exhaust fumes inside some older buildings in big cities may equal that on the streets.

The EPA, in a report on the study done for it by General Electric scientists, said the findings suggest it may not be a good idea to construct new buildings over highways or railroad tracks in urban centers unless fumes can be kept outside or otherwise dispersed.

In the study, two buildings in New York City were selected for monitoring. One, the Washington Bridge Apartments, is a high-rise building which straddles the Trans-Manhattan Expressway entrance to the George Washington Bridge. The second, a 20-story office building, is on West 40th Street in midtown Manhattan. Neither building has central air conditioning.

"At both locations, carbon monoxide levels exceeded federal standards designed to protect human health," the EPA said. "No significant difference was found between carbon monoxide concentrations inside and outside the buildings at ground level."

The report said 100,000 vehicles passed the George Washington Bridge location each day, however, compared to only 7,000 at the midtown site. But it said federal carbon monoxide standards were violated about twice as much at the midtown location as at the second site, both in cold and warm weather.

"At the midtown location, carbon monoxide fumes were trapped by surrounding structures along the narrow street; at the Washington Bridge Apartments, the fumes were dispersed by winds," the EPA said.

Concentrations of fumes decreased at higher elevations in the buildings, the report said, but "inside the Washington Bridge Apartments, carbon monoxide fumes during the heating season exceeded federal standards 19.7 percent of the time as high as the 22nd floor of the building."

The report suggested that the lower levels of new buildings should be sealed to keep traffic fumes out and that space be left between buildings to let wind carry pollutants away. It also recommended that areas inside buildings which trap fumes, such as elevator shafts or garages, should be ventilated.

UNITED STATES TAX COURT

WASHINGTON, D. C. 20044

CHAMBERS OF
WILLIAM M. DRENNEN
CHIEF JUDGE

April 4, 1973

Honorable Arthur F. Sampson
Acting Administrator
General Services Administration
18th & F Streets, N.W.
Washington, D.C. 20405

Dear Mr. Sampson:

Prepared by: <i>P</i>	
Coordinate	
Reply with:	
<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> For Information
Prepare Reply for Signature of: <i>A</i>	
Furnish Copy of Reply to: <i>A (2)</i>	
Also sent to:	
REPLY DUE: <i>4/16/73</i>	

After innumerable delays in obtaining D.C. Government approval for the construction of the plaza, an adjunct to our new courthouse, we are now advised by members of your staff that still further delays are being encountered with the Highway Department of the District of Columbia Government in your organization's efforts to set up an agreement for the necessary easements on the median strip of the center-leg freeway for supports for the plaza. *pm due 4/12*

We are unable to understand or appreciate the procrastination of the District of Columbia Highway Department, and we do not wish to risk the possibility of additional costs which may be brought about by such delays. Apparently there is still some reluctance on the part of the Highway Department to cooperate in expediting the commencement of work on the plaza project. Accordingly, in order to assure that the contractor may go forward on that portion of Phase II, I ask that condemnation proceedings be undertaken to acquire the necessary easement.

Sincerely,

W. M. Drennen

W. M. Drennen
Chief Judge

CONFIDENTIAL ASSISTANT
TO THE COMMISSIONER
SBS

APR 9 10 43 AM '73

ADMINISTRATOR'S
MAIL & FILES

APR 9 8 07 AM '73

DISPATCHED

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CSA

040973-8807a

4

RECEIVED

APR 9 3 10 PM '73

ASSISTANT COMMISSIONER
OPERATING PROGRAMS
PBS

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HIGHWAYS AND TRAFFIC

415 12TH STREET, N. W.
WASHINGTON, D. C. 20004

ADDRESS REPLY TO
DIRECTOR, DEPT. OF HIGHWAYS & TRAFFIC



APR 18 1973

Mr. J. L. Packard, Director
Design and Construction Division
General Services Administration
Public Buildings Service
Washington, D. C. 20405

Dear Mr. Packard:

In your letter of March 27, 1973, you request a decision on an easement to permit you to begin construction of the Tax Court Plaza over the Center Leg Freeway.

You will recall that on a number of occasions I have pointed out the necessity of providing adequate ventilation in order to insure meeting ambient air quality standards on or in air rights structures over streets and freeways. A case in point where ventilation was not provided is described in the enclosed Evening Star article which pertains to a very large air rights project over the freeway at the New York end of the George Washington Bridge. The resultant effect produced a condition that is generally considered unsatisfactory in the lower floors of the apartment buildings. In this case, the air rights project interrupted natural ventilation but did not provide an adequate artificial substitute.

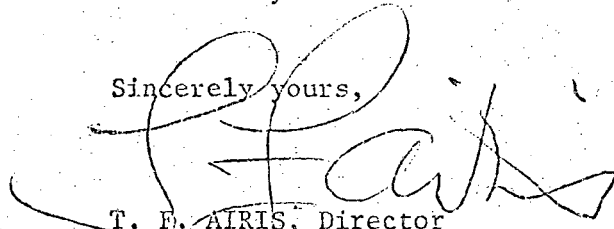
With regard to the Tax Court, we have asked numerous times for an engineering study, by a competent consultant, that confirmed the proposed arrangement as satisfactory. In lieu of such an engineering analysis, the General Services Administration have made a determination that no air quality problem would result and have furnished this Department with what they feel is ample evidence to this effect.

It was also brought to our attention that the District of Columbia Department of Environmental Services supported the General Services Administration's position. Furthermore, the National Capital Planning Commission added their support when they approved the Plaza at the March meeting.

Mr. J. L. Packard
Page Two

In view of the weight of evidence of approvals by the National Capital Planning Commission, the General Services Administration, and others, I am, despite our own reservations, proceeding to process a draft project agreement and the grant of the easements which you have requested. However, in granting these permits I am insisting, as Judge Ray agreed verbally, that if an unsatisfactory air pollution problem results because of inadequate Plaza ventilation, it will be your responsibility to undertake satisfactory corrective measures at your expense.

Sincerely yours,

A large, stylized handwritten signature in dark ink, appearing to read 'T. F. AIRIS', is written over the typed name.

T. F. AIRIS, Director
Department of Highways and Traffic, D. C.

APR 26 1973

Honorable M. M. Drennen
Chief Judge
United States Tax Court
Washington, DC 20044

Dear Judge Drennen:

Thank you for your letter of April 4, 1973, concerning the delays we have encountered in the start of the construction of the pedestrian bridge plaza which is part of the design of the Tax Court Building.

The General Services Administration has been actively seeking the approval of the Department of Highways and Traffic of the Government of the District of Columbia for the granting of the required easement mentioned in your letter. This agency, acting in good faith, has exerted its best efforts over an extended period of time to obtain the required easement on a voluntary basis but without success to date.

We believe, as you do, that it is in the best interests of the Government to commence construction of the pedestrian plaza without further delay. I am therefore pleased to inform you that by letter dated April 18, 1973, a copy of which is attached, the Director of the Department of Highways and Traffic of the Government of the District of Columbia has agreed to approve the granting of the required easement and is currently processing the required documents for our approval.

Please be assured of our intentions to pursue this matter to a successful and speedy conclusion. If I can be of further assistance, please contact me.

Sincerely,

cc: Official File (PMRAP)
Reading File (PMRAP)
Sampson (A); AL;
Roush (P); Fanske (PL);
PLC; Zechman (PM);
Steele (PMR); PMAS (2)

ARTHUR F. SAMPSON
ACTING ADMINISTRATOR

Enclosure

PMRAP:GFinn:s4558:4/13/73 8807a Due: 4/16/73
REW:PMRAP:WML:Chaka:stw 4/25/73 X4558

PMR

PM

PL

P

~~Reminded (A)~~

File
27 APR 1973
F-6
PMRAP

Mr. Jerome Malin
Executive Vice President
District Realty Title
Insurance Corporation
1030 15th Street, NW
Washington, DC 20005

Dear Mr. Malin:

Enclosed is a plat and a legal description of two three-dimensional easement areas required by the Government within the median strip of the Center Leg Freeway of Interstate 95.

It is our understanding that your firm furnished title evidence and title insurance to the Department of Highways and Traffic of the Government of the District of Columbia at the time they were acquiring the right-of-way for this highway construction.

We believe title to the easement areas is in the Government of the District of Columbia as a municipal corporation and wish to have this confirmed through title evidence.

Would you therefore, please inform this office as to your fee for furnishing the required title evidence at your earliest convenience. Title evidence as abstracted from your plat is deemed to be sufficient for our purposes.

Sincerely,

(SIGNED) ROBERT A. CROUCH

ROBERT A. CROUCH
Acting Chief
Sites and Relocation Operations
Space Management Division
Office of Operating Programs

2 Enclosures

cc:
Official File (PMRAP)
Reading File (PMRAP) (PMR)

PMRAP:WMLuchaka:stw 4/27/73 X4558

Standard Form 1034-A 7 GAO 5000 1034-211		BLI VOUCHER FOR PURCHASES SERVICES OTHER THAN PERSONAL			VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION General Services Administration Washington, D.C. 20405			DATE VOUCHER PREPARED December 11, 1973 CONTRACT NUMBER AND DATE CS-PAS-09-72-40 5/15/72 REQUISITION NUMBER AND DATE		SCHEDULE NO. PAID BY	
PAYEE'S NAME District-Realty Title Insurance Corp. AND 1030 15th Street, N.W. ADDRESS Washington, D.C. 20005					DATE INVOICE RECEIVED	
					DISCOUNT TERMS	
					PAYEE'S ACCOUNT NUMBER	
					GOVERNMENT B/L NUMBER	
SHIPPED FROM			TO		WEIGHT	
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <i>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</i>	QUAN- TITY	UNIT PRICE COST PER		AMOUNT
		Payment for title insurance premium for lots 833, 806, 841, 816, 815, and parts of lots 805 and 816 in Square 570. POLICY No. 464578 <i>1/31/74 I called Mrs. Kenfrow. This check was sent directly to DRITC. B. Steinbock</i>				\$480.50
(Use continuation sheet(s) if necessary)			TOTAL		\$480.50	
PAYMENT: <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE		(SIGNED) ROBERT A. CROUCH ROBERT A. CROUCH Acting Chief Sites and Relocation Operations, EMD		DIFFERENCES Amount verified; correct for (Signature or Initials)		
MEMORANDUM						
ACCOUNTING CLASSIFICATION						
Appropriation No. 261 5.532.4.01110, 321.49825 <div style="text-align: center;"> PREVALIDATED PMAB <i>JK</i> 12 DEC 1973 </div>						
PAID BY	CHECK NUMBER		ON TREASURER OF THE UNITED STATES		CHECK NUMBER	
	CASH		DATE		ON (Name of bank)	
				(Signed) L. M. Pearson		
PMA:		<i>[Signature]</i> Administrative Office		PFB:		Financial Mgmt. Division <i>JK 12/19 MCN 12/19</i>